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BY ECF

The Honorable Richard M. Berman
United States District Judge
U.S. Courthouse
500 Pearl Street
New York, NY 10007

RE: ***United States v. Rodriguez*, 24 Cr. 82**
Amici Participation at Oral Argument on Defendants' Motion
to Dismiss the Indictment

Dear Judge Berman,

In the Court's June 3 order, it denied amici leave to file written briefs but contemplated that "[p]erhaps amicus can be helpful at oral argument" of the motion to dismiss. Doc.106. That oral argument is currently scheduled for July 22, 2025, at 1:00 PM.

Defendants' would-be amici seek leave to present oral argument at the July 22 hearing. Together, these prominent organizations—DeFi Education Fund, the Blockchain Association, Coin Center, the Bitcoin Policy Institute, and The Digital Chamber—represent the entire cryptocurrency ecosystem. They have extensively studied and written about the important legal issues in this case, especially whether federal money-transmitting laws can be applied to non-custodial software development.* Amici would focus their oral argument on the

* E.g., *United States v. Storm*, Doc.39, 23 Cr. 430 (S.D.N.Y. Apr. 5, 2024) (DeFi Education Fund amicus brief); *Storm*, Doc.43 (S.D.N.Y. Apr. 5, 2024) (Coin Center amicus brief); *Storm*, Doc.45 (S.D.N.Y. Apr. 5, 2024) (Blockchain Association amicus brief); Shapiro, *The Legal Battle on Self Custody*, Bitcoin Pol'y Inst. (Oct. 29, 2024), perma.cc/2C8M-UAY7; Cohen, *The DOJ's Dangerous New Legal Theory: Implications for Samurai Wallet and Bitcoin Self-Custody*, Bitcoin Pol'y Inst. (Dec. 16, 2024), perma.cc/S6DQ-6QHZ; Van Valkenburgh, *New Tornado Cash Indictments Seem to Run Counter to FinCEN Guidance*, Coin Center (Aug. 23, 2023), perma.cc/LK4H-KUUI; Van Valkenburgh, *DOJ's New Stance on Crypto Wallets is a Threat to*

Government's charge that Defendants conspired to violate 18 U.S.C. §1960(b)(1)(C). *See* Doc.109 at 25-26. Amici are uniquely well-suited to explain—contra the Government's recent brief, Doc.118—why §1960(b) cannot be applied to the creation of noncustodial cryptocurrency software, how the Government's contrary reading contradicts longstanding guidance from FinCEN that the industry has relied on, and why the Government's reading would have immensely negative consequences for cryptocurrency writ large.

Amici's presentation will help the Court and prejudice no one. To make their presentation as efficient as possible, amici have agreed to let one attorney (Cameron T. Norris of Consovoy McCarthy PLLC) speak for all five groups. Amici will also keep their presentation brief and not duplicate points already raised by defense counsel. Defendants consent to this limited participation. The Government states only that amici's participation is "not necessary."

The proposed amici respectfully ask for leave to participate on these terms at the upcoming July 22 hearing. To ensure counsel can make travel and hotel arrangements, proposed amici are submitting this letter well in advance.

Respectfully submitted,

/s/ Daniel M. Vitagliano

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Liberty and the Rule of Law, Coin Center (Apr. 29, 2024), perma.cc/LV4E-F7JF; Written Testimony of A. Tuminelli, *Decoding DeFi: Breaking Down the Future of Decentralized Finance*, H. Comm. on Fin. Servs., Subcomm. on Digital Assets, Fin. Tech. and Inclusion (Sept. 10, 2024), perma.cc/DDE5-P4ZC; Tuminelli, et al., *Through the Looking Glass: Conceptualizing Control and Analyzing Criminal Liability for Unlicensed Money Transmitting Businesses Under Section 1960*, Int'l Acad. of Fin. Crime Litigators Working Paper No. 3 (Dec. 2024), perma.cc/Z6JD-QSTG.